

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO.139 OF 2018
WITH
CIVIL APPLICATION NO.224 OF 2018**

Rahul Shantaram Khade ..Appellant

vs.

Smt.Rashmi Rahul Khade ..Respondent

Mr.Ashwin Shete with Mr.Abhay Dhodiwal i/b M/s.Jaykar and Partners
for the appellant

Mr.Kunal Tiwari with Mr.Prakash Kumar for the respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : AUGUST 14, 2018

P.C. :

1 Heard.

2 By this Family Court Appeal, the appellant husband is challenging the order dated 06.06.2018 passed by Family Court on Respondent's application dated 27.03.2018 for withdrawal of consent for divorce under section 13B of the Hindu Marriage Act.

3 After arguing for some time, both the parties tendered hand-

written consent minutes of order dated 14.08.2018, same will be replaced by typed-copy, which is taken on record and marked 'X' for identification. Both the counsel submit that appellant as well as Respondent are present in court. Both of them admit the contents of the minutes of order as well as the execution of the same.

4 Family Court Appeal as well as Civil Application stand disposed of in terms of minutes of order which read thus:

“MINUTES OF THE ORDER

1 By consent of the parties both the impugned orders dated 6th June, 2018 annexed as Annexure/Exhibit “A” and Annexure/Exhibit “B” to the present Appeal are set aside and the matter is remanded back to the learned Family Court for fresh hearing on Respondent's Application for Withdrawal dated 27th March, 2018 (annexed as Exhibit “N”).

2 The learned Family Court to dispose off the said application after giving an opportunity of hearing to the parties in a time bound manner and not later than 4 months from the passing of the present order.

3 Until the hearing of the above application the Respondent will provide access of the minor child, Aayansh to the Appellant from Friday to Saturday commencing from 17th August, 2018.

4 To facilitate the access, either the Appellant or his father will pick up the child from the Respondent's residence i.e. Prathamesh View Residency, B-Wing, 1304, Nahur (West) at 4 pm on Friday and drop the child the next day i.e. Saturday at the Respondent's residence at 9 pm.

5 The child will go to Vidyavihar, home of grandparents.”

5 Family Court to decide the Respondent wife's Application dated 28.03.2018 for withdrawal of the consent as early as possible, but in any case, within four months from the receipt of copy of this order.

6 It is made clear that liberty granted to both the parties to file their pleadings, if any, and documents in the said Application.

7 This court expects Family Court to decide the said Application by giving a reasoned order.

8 Family Court Appeal stands disposed of.

9 No order as to costs.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)